



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,912	06/15/2001	Youichiro Nishikawa	265/109	8374

38834 7590 09/24/2004

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/881,912	NISHIKAWA ET AL.	
	Examiner	Art Unit	
	David E. England	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) <input type="checkbox"/> | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 15 are presented for examination.

Claim Objections

1. Claims 1 – 15 are objected to because of the following informalities: There are missing commas (,) throughout all the claims, which makes it difficult to interpret the true nature of the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

4. The limitation of, "the selected appliance if the selected appliance is not existent within the independent system network the server controls and which sends the generated description"

Art Unit: 2143

does not leave on of ordinary skill in the art an understanding as to how this is done in the specification.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 – 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

8. The term "practically reserved" in claim 7 is a relative term which renders the claim indefinite. The term "practically reserved" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2143

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1 – 5 and 8 – 12 are rejected under 35 U.S.C. 102(e) as being anticipated by

Gidwani U.S. Patent No. 6640239.

11. Referencing claim 1, as closely interpreted by the examiner, Gidwani teaches a network system comprising:

12. a plurality of independent system networks which are designed on different protocols, (e.g. col. 21, line 45 – col. 22, line 22 & Fig. 9);

13. a plurality of independent system network servers, each server controlling one of the independent system networks, (e.g. col. 21, line 45 – col. 22, line 22 & Fig. 9);

14. a backbone system network which interconnects the servers, (e.g. col. 21, line 45 – col. 22, line 22 & Fig. 9);

15. wherein each of the servers comprises:

16. a communication unit which communicates with other servers via the backbone system network, (e.g. col. 21, line 45 – col. 22, line 22 & Fig. 9); and

17. a format converter which converts between a first information format and a second information format, the first format being used for managing appliances included in an independent system network which the server is controlling and the second format being used for exchanging information with other servers, (e.g. col. 28, lines 14 – 63); and

Art Unit: 2143

18. wherein the first format is defined for a specific appliance existent within said independent system network and the second format is defined for an unspecified appliance existent within said independent system network, (e.g. col. 28, lines 14 – 63).
19. Referencing claim 2, as closely interpreted by the examiner, Gidwani teaches the second format is defined in such a manner that the format becomes universal within the said independent system network and wherein the format converter conducts conversion referring to a table indicating correspondence between the second formats, each format having universality within a respective independent network, (e.g. col. 28, lines 14 – 63).
20. Referencing claim 3, as closely interpreted by the examiner, Gidwani teaches a command generator which converts to a command dedicated to the appliance a description of control of the appliance written in the first format converted from the second format and which sends the command to the appliance, (e.g. col. 28, lines 14 – 63).
21. Claims 4, 5 and 8 – 12 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2143

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gidwani (6640239) in view of Kerchner (6559882).

24. As per claim 6, as closely interpreted by the Examiner, Gidwani does not specifically teach an appliance selector which selects an appliance to control; and

25. an information exchange file generator which generates in the second format description of control of the selected appliance if the selected appliance is not existent within the independent system network the server controls and which sends the generated description.

26. Kerchner teaches an appliance selector which selects an appliance to control, (e.g. col. 5, lines 6 – 35); and

27. an information exchange file generator which generates in the second format description of control of the selected appliance if the selected appliance is not existent within the independent system network the server controls and which sends the generated description, (e.g. col. 5, lines 6 – 35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kerchner with Gidwani because utilizing a control system connected through a network can be advantageous for controlling appliances from anywhere in the area that is connected to the network as opposed to a remote control that is not specifically connected to the network would be inconvenient for a user that is in another that is out of range for the remote control to function.

28. Claim 7 is rejected for similar reasons as stated above.

29. Claims 13 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gidwani (6640239) in view of Aua et al. (US2002/0069296) (hereinafter Aua).

30. As per claim 13, as closely interpreted by the Examiner, Gidwani does not specifically teach said first format is built on a markup language. Aua teaches said first format is built on a markup language, (e.g. ¶ 0020). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Aua with Gidwani because it would be more efficient for a system to be more diversely applicable if it can convert its format language to a language that can be understood by other appliances, (i.e. converting XML to HTML or WML).

31. As per claim 14, as closely interpreted by the Examiner, Gidwani does not specifically teach said second format is built on a markup language. Aua teaches said second format is built on a markup language, (e.g. ¶ 0020). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Aua with Gidwani because of similar reasons stated above.

32. As per claim 15, as closely interpreted by the Examiner, Gidwani does not specifically teach said second format adopts a universal tag structure. Aua teaches said second format adopts a universal tag structure, (e.g. ¶ 0020). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Aua with Gidwani because of similar reasons stated above.

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

34. a. Richards et al. U.S. Pub. No. 2002/0147850 discloses Electronic survey tool and dynamic workflow tool.

35. b. Rawson, III U.S. Pub. No. 2002/0107955 discloses Protocol data unit prioritization in a data processing network.

36. c. Kikines U.S. Patent No. 6167120 discloses Apparatus and methods for home networking.

37. d. Humpleman U.S. Patent No. 6188397 discloses Set-top electronics and network interface unit arrangement.

38. e. Hall et al. U.S. Patent No. 5898831 discloses Interactive appliance security system and method.

39. f. Kim U.S. Patent No. 6535927 discloses System for processing protocol for internet services employing serial line and ATM network.

40. g. Hagirahim et al. U.S. Patent No. 6751218 discloses Method and system for ATM-coupled multicast service over IP networks.

41. h. Jamtgaard et al. U.S. Patent No. 6430624 discloses Intelligent harvesting and navigation system and method.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333 and 571-272-3912 as of Oct. 28. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100